

IN THE MATTER OF THE * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
CARROLL W. FORREST * OF
FOR A VARIANCE ON PROPERTY *
LOCATED ON THE SOUTHWEST * BALTIMORE COUNTY
SIDE UNION HALL COURT, 135' *
SOUTHEAST OF THE CENTERLINE *
OF LINCOLN WOODS * CASE NO. 91-168-A
(3 UNION HALL COURT)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* * * * *
O P I N I O N

This matter is before this Board on appeal from a decision of the Zoning Commissioner of Baltimore County dated December 20, 1990, which denied the property owner's Petition for a 4-foot side yard setback in lieu of the 15 feet required. The subject property is situated in a D.R. 3.5 zone in the First Councilmanic District, located in the Woodbridge Valley Community of Catonsville.

The Petitioner, Carroll W. Forrest, testified how he engaged a home improvements contractor to rehabilitate his dwelling of 18 years with a new roof, siding, picture window and side porch. While the work was in progress, Petitioner testified that, in consultation with the contractor, he decided to add a carport to his dwelling. He further testified of a long-existing difficulty he has faced with the car pad of his driveway and water drainage into his basement. As a solution, Petitioner agreed to the carport as a corrective measure, as well as a further improvement to the appearance of his house. Assured that the contractor would obtain any necessary permits, the addition of the carport commenced in June of 1990 until Petitioner received an Order from Baltimore County to stop work on July 1, at which time the carport was 90 percent complete. Petitioner testified that his neighbors and

Case No. 91-168-A Carroll W. Forrest

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residents on his court supported and complimented his carport addition.

During the construction of the carport, representatives of the Woodbridge Valley Association recognized what they considered to be a zoning setback violation as well as a circumvention of the covenants agreement signed by residents of Woodbridge Valley at the time they purchased their property. Entered into the record of this case is a conciliatory letter from the Woodbridge Valley Covenants Committee to the property owner addressing the issues of zoning regulations, variances and covenants, and understandings and suggestions as to the resolution of Petitioner's violations.

Appearing as an expert witness in planning for the Petitioner, Mr. Nicholas Commodari drew upon previous years of professional experience with the Office of Planning & Zoning to support the request for the 4-foot side yard setback. Referencing the zoning regulations in effect when Woodbridge Valley was approved (1967), Mr. Commodari cited Section 301.1 of the R-10 zoning regulation, and that the subject site is "grandfathered" to that setback regulation of 7.5 feet for an open carport rather than the D.R. 3.5 regulation of 15 feet or a two side sum of 25 feet.

In response to Protestant's suggestion that a garage could be constructed in the rear yard of the property, Mr. Commodari concurred, but opined that the location would have negative consequences for the Petitioner and his neighbors. He cited the 7-foot drop from the car pad to the level of the rear yard, the in-ground swimming pool, and the large and numerous hardwood trees

Case No. 91-168-A Carroll W. Forrest

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existing to the rear of both his and the neighbors' yards. In his judgment the grading necessary for the rear yard location would require a retaining wall between the properties and the probability of water runoff made a rear yard construction a practical difficulty. Mr. Commodari likewise felt the removal of trees would cause harm to the neighborhood and would be contrary to the spirit and intent of regulations to maintain pervious ground surfaces. He considered the carport addition consistent with the community and not harmful to the immediate neighborhood.

Counsel for the Petitioner submitted photographs of several houses in the community improved with carport and garage additions that required setback variances for construction.

Counsel for the Protestants presented Mrs. Janet Hayden, a long-time resident of Woodbridge Valley, and recognized by the Board as an expert in real estate sales. Mrs. Hayden testified that the carport was too close to the neighbor's house and took away the openness between houses that exists in the community. She saw the carport as a negative impact on the neighbors', as well as other, properties in the community.

Mr. Paul Wragg, zoning chairman and secretary of the Woodbridge Valley Association, testified to his familiarity with the subject property and of communications with the Petitioner. Mr. Wragg considered the carport an intrusion, and that to remove the structure would neither interfere with the Petitioner's use of his property nor permit an unreasonable hardship. Mr. Wragg, one of 850 homeowners in the community, countered the neighbors'

Case No. 91-168-A Carroll W. Forrest

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support of Petitioner by asserting that zoning laws are written for the protection of the total community and have priority over the desires of a particular individual and any agreement reached between neighbors.

Mr. Robert Lloyd, former chairman of the Covenant Committee and current president of the association, offered his personal reasons for objecting to the carport addition, as well as others in the community. His testified of meeting with the contractor at the subject site and receiving an attitude of indifference over the zoning and permit violations of the nearly completed carport.

In consideration of the issues of this Petitioner's request for a side yard setback variance, the test to be applied in determining whether to grant or deny a variance is found in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974):

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

In evaluating the testimony and the exhibits entered into the record of this case, the Board is also guided by a regulation as stated in McLean v. Soley, 270 Md. 208 (1973) that an area variance may be granted where strict compliance with the zoning regulation

Case No. 91-168-A Carroll W. Forrest

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would cause practical difficulty to the Petitioner and his property.

It is obvious to the Board that the posture taken by the Woodbridge Valley Association has not been adversarial in their opposition to the structure, but conciliatory in enforcing regulations designed for their residents. In regard to the community covenant, this violation is a matter for the Courts and not the Board of Appeals. However, in light of exhibits identifying other Woodbridge Valley properties with carport variances, it is likely that the Woodbridge Valley Association may have approved Petitioner's carport if they had been consulted.

Certain points of law and argument as to the proper location of a carport on the property were presented in this hearing by Mr. Commodari, an expert witness, who did not participate in the hearing before the Zoning Commissioner. We find his testimony persuasive in that the removal of trees and the extensive grading necessary for a rear yard garage would be detrimental and burdensome to the Petitioner as well as other property owners.

In view of the practical difficulty of the rear yard alternative, the carport addition to the side of the house appears as a reasonable use of his property and within the spirit of the ordinance. Regretfully, the procedures followed in the addition of the carport were taken in violation of Baltimore County Zoning Regulations, and this fact of the Petitioner's case is most troublesome to the Board. However, by granting the variance requested, the Board feels that the considerations of Anderson,

Case No. 91-168-A Carroll W. Forrest

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supra, and Soley, supra, can be reasonably and satisfactorily applied, and that to deny the variance would place an undue hardship upon the Petitioner.

O R D E R

IT IS THEREFORE this 16th day of October, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for a side yard setback variance of 4 feet for an open carport in lieu of the minimum required 15 feet, and a side yard setback sum of 16.8 feet in lieu of the required 25 feet be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

S. Diane Levero
S. Diane Levero

RE: PETITION FOR ZONING * BEFORE THE ZONING COMMISSIONER
VARIANCE * OF BALTIMORE COUNTY
SW/S Union Hall Court, 135' SE of the c/l of Lincoln Woods (3 Union Hall Court) * Case No. 91-168-A
1st Election District *
1st Councilmanic District *

NOTICE OF APPEAL

Please note an appeal from the decision of the Zoning Commissioner, J. Robert Haines, in the above-captioned matter, under date of December 20, 1990, to the County Board of Appeals on behalf of the Petitioner, Carroll W. Forrest, and forward all papers in connection therewith to the Board for hearing. Mr. Forrest's check #3969 in the amount of \$150.00 made payable to Baltimore County, Maryland is attached hereto.

Douglas L. Burgess
Douglas L. Burgess

Nolan, Plumboff & Williams
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

I HEREBY CERTIFY that on this 16th day of January, 1991, a copy of the foregoing Notice of Appeal was mailed to Shirley Hickindontham, 6428 Clifton Forge Circle, Catonsville, Maryland 21228, Robert C. Lloyd, 1305 Gatefield Road, Catonsville, Maryland 21228 and George P. Greger, 6 Monroe Field Court, Catonsville, Maryland 21228.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

RECEIVED

59038

Douglas L. Burgess
Douglas L. Burgess

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Union Hall Court, 135' SE of the c/l of Lincoln Woods (3 Union Hall Court) * ZONING COMMISSIONER
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 91-168-A
Carroll W. Forrest *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 4 feet for an open projection (carport) in lieu of the minimum required 15 feet, and a side yard setback sum of 16.8 feet in lieu of the required 25 feet for an existing carport in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Appearing as Protestants in the matter were Shirley Hickinbotham, Robert C. Lloyd, and George P. Greger on behalf of himself and the Woodbridge Valley Improvement and Civic Association.

Testimony indicated that the subject property, known as 3 Union Hall Court, consists of .35 acres zoned D.R. 3.5 and is improved with a single family dwelling with an attached carport, which is the subject of this case, and a swimming pool. Mr. Forrest testified that he hired a contractor to rehabilitate the entire dwelling. Testimony indicated that at the same time the rehab work was in progress, Petitioner decided to have a carport constructed on the southeast side of the dwelling to provide protection from inclement weather for his disabled wife. Petitioner testified that he was not aware that any permit was needed and indicated that he thought the contractor was responsible for getting any necessary permits for construction.

ORDER RECEIVED FOR FILING
Date 1/16/91
By [Signature]

The Protestants testified in general opposition to the relief requested and argued that Petitioner was advised by both the Woodbridge Valley Improvement and Civic Association, and their attorney, Robert J. Lidston, Esquire, that the subject carport was in violation of community covenants and further that a building permit was required. Testimony further indicated that the subject carport was not constructed until after Petitioner's wife passed away.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioner was in support of a matter of preference rather than of the necessity for the variance. The Petitioner failed to show that compliance would unreason-

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ably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of December, 1990 that the Petition for Zoning Variance to permit a side yard setback of 4 feet for an open projection (carport) in lieu of the minimum required 15 feet, and a side yard setback sum of 16.8 feet in lieu of the required 25 feet for an existing carport, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that Petitioner shall have the subject carport removed from the property by no later than April 1, 1991.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/20/90
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 20, 1990

Mr. Carroll W. Forrest
3 Union Hall Court
Catonsville, Maryland 21228

RE: PETITION FOR ZONING VARIANCE
SW/S Union Hall Court, 135' SE of the c/l of Lincoln Woods Drive
(3 Union Hall Court)
1st Election District - 1st Councilmanic District
Carroll W. Forrest - Petitioner
Case No. 91-168-A

Dear Mr. Forrest:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Ms. Shirley Hickinbotham
6428 Clifton Forge Circle, Catonsville, Md. 21228

Mr. Robert C. Lloyd
1305 Gatefield Road, Catonsville, Md. 21228

Mr. George P. Greger
6 Monroe Field Court, Catonsville, Md. 21228

People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11-30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-21, 1990

THE JEFFERSONIAN.

S. Zeke Orlan
Publisher

\$ 55.02

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following:
Petition for Zoning Variance
Case number: 91-168-A
SW/S Union Hall Court, 135' SE of c/l of Lincoln Woods Drive
(3 Union Hall Court)
1st Election District
Petitioner(s): Carroll W. Forrest
Hearing Date: Thursday, Dec. 20, 1990 at 9:30 a.m.
Variance: to allow a side yard setback of 4 ft. for an open projection (carport) and a side yard setback sum of 16.8 ft. in lieu of the required 15 ft. and 25 ft., respectively.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CUM 1004 Nov. 21, 1990

CERTIFICATE OF PUBLICATION

11-30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-21, 1990

CATONSVILLE TIMES

S. Zeke Orlan
Publisher

\$ 55.02

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following:
Petition for Zoning Variance
Case number: 91-168-A
SW/S Union Hall Court, 135' SE of c/l of Lincoln Woods Drive
(3 Union Hall Court)
1st Election District
Petitioner(s): Carroll W. Forrest
Hearing Date: Thursday, Dec. 20, 1990 at 9:30 a.m.
Variance: to allow a side yard setback of 4 ft. for an open projection (carport) and a side yard setback sum of 16.8 ft. in lieu of the required 15 ft. and 25 ft., respectively.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CUM 1004 Nov. 21, 1990

ZONING DESCRIPTION

Beginning at a point on the south-west side of Union Hall Court which is 50 feet wide at the distance of 136.22 feet south east of the centerline of the nearest improved intersecting street Lincoln Woods Drive which is a variable right-of-way. Being lot # 139, block J, section # 5 in the subdivision of Woodbridge Valley as recorded in Baltimore County Plat Book # 35, Folio #105, containing 15,230 square feet. Also known as 3 Union Hall Court and located in the # 1 Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st. Date of Posting: November 27, 1990
Posted for: Variance
Petitioner: Carroll W. Forrest
Location of property: SW/S Union Hall Court, 135' SE of c/l of Lincoln Woods Drive, 3 Union Hall Court
Location of Sign: In front of #3 Union Hall Court
Remarks: _____
Posted by: S. J. Banta Date of return: December 30, 1990
Number of Signs: 1

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-168-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section IBZ.3.B (208.3, R-10, 1967 Regs.) To allow a side yard setback of 4 ft. for an open projection (carport) and a side yard setback sum of 16 ft., 8 in. in lieu of the required 15 ft. & 25 ft., respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Carport constructed back in April for wife who was confined to a wheel chair so to advanced concern to protect her from bad weather.
2. Carport contractor did not get permit

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3 day

Dec 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 20 day of Dec, 1990, at 9:30 o'clock

A. M.

ESTIMATED LENGTH OF HEARING 1/2 hr. 1 hr.

AVAILABLE FOR HEARING Mon., Tues., Wed. - Next Two Weeks

ALL 9:30 (Leave)

REVIEWED BY: [Signature] DATE 9-7-90

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

8/10/91

AP100043

APPEAL FEES

QTY

PRICE

140 -OF ALL OTHER ORDERS

1 X

\$15.00

150 -POSTING SIGNS / ADVERTISING

1 X

\$25.00

LAST NAME OF OWNER: FORREST

TOTAL:

\$150.00

04A04H0063MICHRC
BA C009143AM09-07-90

\$150.00

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

5/10/91

3P100053

COPIES:

QTY

PRICE

730 -AUDIO TAPE

1 X

\$15.00

TOTAL:

\$15.00

04A04H0063MICHRC
011127AR05-10-91

\$15.00

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

91-168-A
12-20-90 PAID - CW

DATE: 12/19/90

159100521

PUBLIC HEARING FEES: \$30.00
CBO - POSTING SIGNS / ADVERTISING: \$50.00
TOTAL: \$80.00

LAST NAME OF OWNER: FORREST

0420+00017ACCRD
Please Make Checks Payable To: Baltimore County/09:05AM12-20-90 \$80.00

Validation

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 12-5-90

Carroll W. Forrest
3 Union Hall Court
Catonsville, Maryland 21228

RE:

Petition for Zoning Variance
CASE NUMBER: 91-168-A
36/S Union Hall Court, 135' SE of c/l of Lincoln Woods Drive
(#3 Union Hall Court)
1st Election District - 1st Councilmanic
Petitioner: Carroll W. Forrest
HEARING: THURSDAY, DECEMBER 20, 1990 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 80.02 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

November 8, 1990
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located County Executive at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-168-A
36/S Union Hall Court, 135' SE of c/l of Lincoln Woods Drive
(#3 Union Hall Court)
1st Election District - 1st Councilmanic
Petitioner: Carroll W. Forrest
HEARING: THURSDAY, DECEMBER 20, 1990 at 9:30 a.m.

Variance to allow a side yard setback of 4 ft. for an open projection (carport) and a side yard setback min of 16 ft., 8 in. in lieu of the required 15 ft. and 25 ft., respectively.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Carroll W. Forrest

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 3, 1990

Mr. Carroll W. Fonest
3 Union Hall Court
Catonsville, MD 21228

RE: Item No. 94, Case No. 91-168-A
Petitioner: Carroll W. Fonest
Petition for Zoning Variance

Dear Mr. Fonest:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 3rd day of October, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Carroll W. Fonest
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 2, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Carroll W. Forrest, Item No. 94

The Petitioner requests a Variance to allow a side yard setback of 4 ft. for a carport and a side yard setback of 16 ft. ±.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM94/ZAC1

RECEIVED
10/4/90

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 408
Towson, Maryland 21204
(301) 887-3554

October 3, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 73, 94, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, & 112.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSE/jw

RECEIVED
OCT 9 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4000

Paul H. Reincke
Chief

OCTOBER 9, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CARROLL W. FORREST
Location: #3 UNION HALL COURT
Item No.: 94 Zoning Agenda: OCTOBER 2, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. [Signature] 10-7-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEF

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
SEPTEMBER 28, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-23

SUBJECT: ZONING ITEM #: 94
PROPERTY OWNER: Carroll W. Forrest
LOCATION: SW/5 Union Hall Court, 136' SE centerline of Lincoln Woods Dr. (#3 Union Hall Court)
ELECTION DISTRICT: 1st
COUNCILMANIC DISTRICT: 1

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS ~~AND ARE NOT~~ REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 3, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for October 2, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 33 (revised), 73, 94, 99, 101, 102, 103, 104, 105, 106, 108, 110, 111 and 112.

Item 107 is subject to the previous County Review Group comments.

For Item 109, a County Review Group Meeting is required. Church Lane is to be improved as a 40-foot paving section on a 60-foot right-of-way.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED

10/4



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 7, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

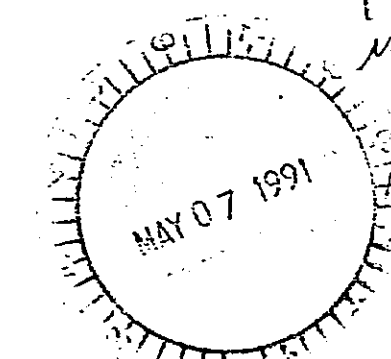
CASE NO. 91-168-A CARROLL W. FORREST
SW/5 Union Hall Ct., 135' SE of the c/l of Lincoln Woods (3 Union Court)
1st Election District
1st Councilmanic District
VAR-Setbacks/carport.

12/20/90 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, SEPTEMBER 27, 1991 AT 10:00 a.m.

cc: Mr. Carroll W. Forrest Petitioner/Appellant
Douglas L. Burgess, Esquire - Counsel for Petitioner/Appellant
Mr. George P. Greger Woodbridge Valley Impr. Assoc.
Ms. Shirley Hickinbotham
Mr. Robert C. Lloyd
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kussmaul
Legal Secretary



APPEAL

Petition for Zoning Variance
SW/5 Union Hall Court, 135' SE of the c/l of Lincoln Woods
3 Union Hall Court
1st Election District - 1st Councilmanic District
CARROLL W. FORREST - Petitioner
Case No. 91-168-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany Petition
Protestant's Exhibits: 1. Copy of letter from Robert Lidston
2. Copy of letter from Paul H. Wragg

Zoning Commissioner's Order dated December 20, 1990 (Denied)

Notice of Appeal received January 16, 1991 from Douglas L. Burgess, Attorney on behalf of the Petitioner

cc: Carroll W. Forrest, 3 Union Hall Court, Catonsville, MD 21228

Douglas L. Burgess - Nolan, Plumbhoff & Williams
Suite 700, 210 West Pennsylvania Ave., Towson, MD 21204

George P. Greger - Woodbridge Valley Improvement Association
6 Monroe Field Court, Catonsville, MD 21228

Shirley Hickinbotham
6428 Clifton Forge Circle, Catonsville, MD 21228

Robert C. Lloyd, 1315 Gatefield Road, Catonsville, MD 21228

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204

File

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney
Public Services

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 7, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/5 Union Hall Court, 135' SE of the c/l of Lincoln Woods
(3 Union Hall Court)
1st Election District, 1st Councilmanic District
CARROLL W. FORREST - Petitioner
Case No. 91-168-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 16, 1991 by Douglas L. Burgess, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Carroll W. Forrest, 3 Union Hall Court, Catonsville, MD 21228

Douglas L. Burgess - Nolan, Plumbhoff & Williams
Suite 700, 210 West Pennsylvania Ave., Towson, MD 21204

COUNTY BOARD OF APPEALS
91 FEB -8 PM 2-53

Appeal Cover Letter - Case No. 91-168-A
CARROLL W. FORREST - Petitioner
Page 2
February 7, 1991

George P. Greger - Woodbridge Valley Improvement Association
6 Monroe Field Court, Catonsville, MD 21228

Shirley Hickinbotham
6428 Clifton Forge Circle, Catonsville, MD 21228

Robert C. Lloyd, 1315 Gatefield Road, Catonsville, MD 21228

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204

File

5/7/91 - Following parties notified of hearing set for September 27, 1991 at 10:00 a.m.:

Mr. Carroll W. Forrest
Douglas L. Burgess, Esquire
Mr. George P. Greger
Woodbridge Valley Impr. Assoc.
Ms. Shirley Hickinbotham
Mr. Robert C. Lloyd
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LAW OFFICES
OF
ANELLO and TEMPLE

LAW BUILDING
1394 SULPHUR SPRING ROAD
P.O. BOX 18280
BALTIMORE, MARYLAND 21227

(301) 242-6600
FAX 242-2041

DEBORAH A. KELLNER
PATRICIA A. HEERING
Legal Assistants

May 7, 1991

SALVATORE E. ANELLO, III
JAMES J. TEMPLE, JR.
ROBERT LIDSTON
T. AUSTIN MURPHY

Zoning Commissioner
Office of Planning and Zoning
109 County Office Building
111 West Chesapeake Avenue
Towson, MD 21204
Attention: Mrs. Novac

RE: Petition for Zoning Variance
Carroll W. Forrest - Petitioner
Case No.: 91-168-A

Dear Ms. Novac:

In my letter to of April 24, 1991, I submitted to you a check in the amount of \$15.00 to order the audiotape transcript in the above-captioned matter. You telephoned me on May 2, 1991 to say that our check was improperly made out to J. Robert Haines. Enclosed please find our check made out to Baltimore County, Maryland. It is my understanding that you will be returning our previous check to me and that you will proceed with ordering this transcript.

If anything else is required, please do not hesitate to contact me.

Sincerely,

Robert Lidston
ROBERT LIDSTON

RL/cam

Enclosure

RECEIVED
MAY 9 1991
ZONING OFFICE

LAW OFFICES
OF
ANELO and TEMPLE
LAW BUILDING
1334 SULPHUR SPRING ROAD
P.O. BOX 18280
BALTIMORE, MARYLAND 21227

DEBORAH A. KELNER
PATRICIA A. HERRING
Legal Assistants

SALVATORE E. ANELLO, III
JAMES J. TEMPLE, JR.
ROBERT LIDSTON
T. AUSTIN MURPHY

(301) 242-6600
FAX 242-2041

April 24, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
109 County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: Petition for Zoning Variance
Carroll W. Forrest - Petitioner
Case No.: 91-168-A

Dear Mr. Haines:

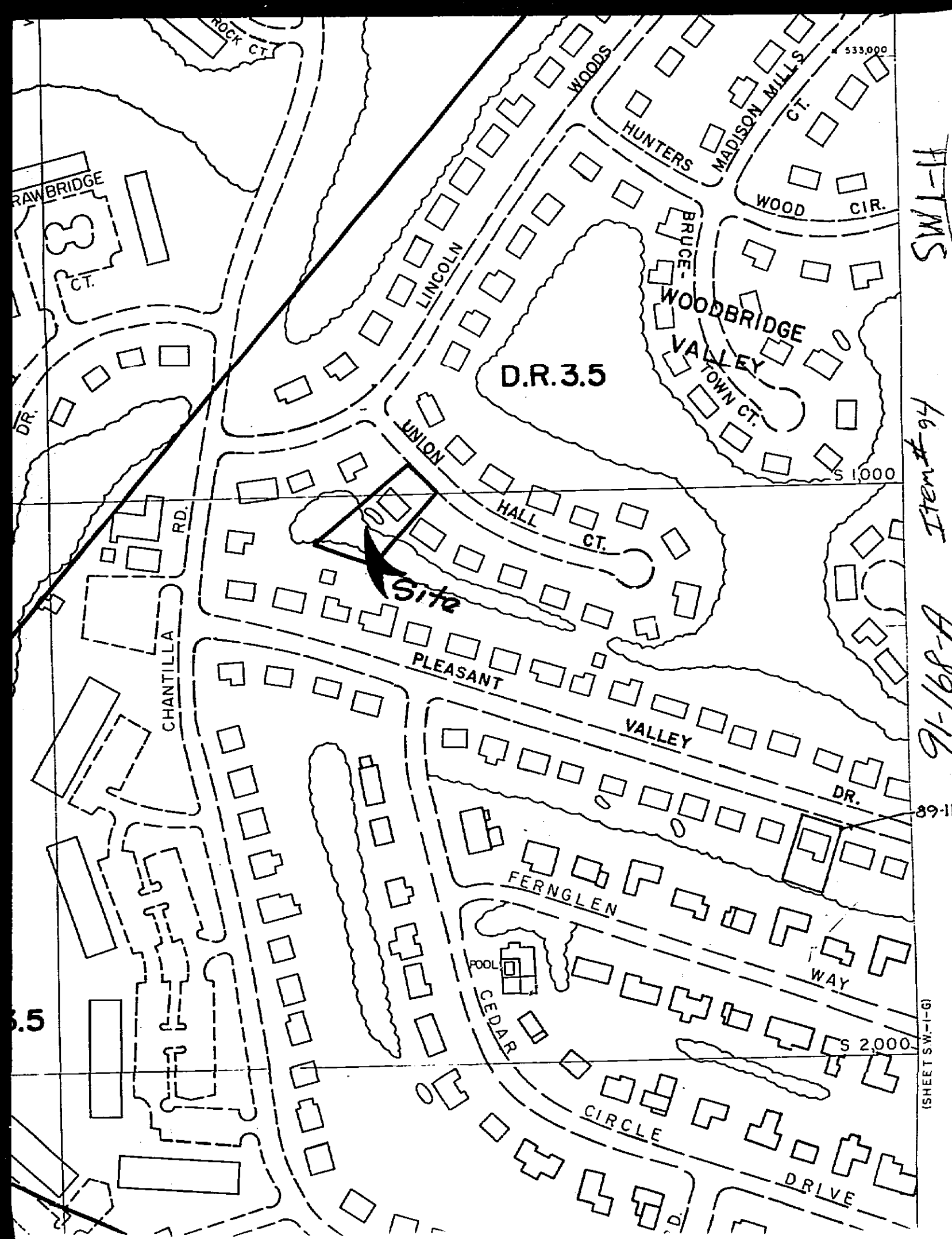
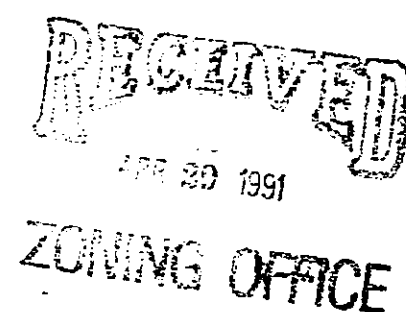
Enclosed please find our check in the amount of \$15.00 which we understand is required for the purchase of the audiotape transcript in the above-captioned matter. Please send us this tape at your earliest convenience.

If anything else is required, please do not hesitate to contact me.

Sincerely,

Robert Lidston
ROBERT LIDSTON

RL/cam
Enclosure



ROBERT C. LLOYD 1305 GATEFIELD RD. 21228
JAMES W. LLOYD " " " " " "
GEORGE HENRY 1418 LINCOLN WOODS

GEORGE P. GARRETT 6 MONROE FIELD CT 21228
GEORGE M. GARRETT " " " " " "
Gene Smith 1011 Pleasant Valley Dr. 21228
Susan Bafford 6 Cedar Springs Ct 21228
JAN HAYDEN 1421 Pleasant Valley Dr. 21228

Advances, Stanley, Inc. to Maryland Zoning Commission, 24, 1990 (1990/1991) (1990)

§ 11.3 MARYLAND ZONING DECISIONS

rehash the results already reached after thorough consideration.

The Court, however, found that an appeal lies to the board from a decision of the Planning Board involving the final development process in the New Town District. Under the Express Powers Act, Art. 28A, § 5U of the Maryland Code, Howard County could, as a charter county, enact local laws establishing a board of appeals. The board of appeals was established pursuant to charter provisions (Art. V, § 501) and given authority to review actions of an administrative agency regarding approvals or other forms of permission.

See also *Klein v. Colonial Pipeline Co.*, 285 Md. 76, 400 A.2d 768 (1979), and *Hope v. Baltimore County*, 44 Md. App. 461, 409 A.2d 753 (1980).

§ 11.3. Variances.

McLean v. Soles, 270 Md. 208, 310 A.2d 783 (1973)

The standard for granting a variance (although it may vary with specific language adopted in a zoning ordinance) is whether the strict compliance with the zoning ordinance regulations would result in "practical difficulty or unreasonable hardship." Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare.

The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

The granting of a variance to the side yard setback requirements (in connection with an apartment development) is justifiable on the ground that trees could be preserved, contributing to the greater public benefit,

284

RELATED AREAS

§ 11.3

greater density and only a slight detriment to the neighboring property owner.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 26, 322 A.2d 220 (1974)

The Court of Special Appeals noted the distinction between a use variance, which changes the character of the zoning district and where there is more difficult burden of proving "undue hardship" (i.e., needed to avoid confiscatory operation of ordinance), and an area variance (height, set back, etc.) where there is a lesser burden of proving practical difficulty.

To prove undue hardship for a use variance, the following three criteria must be met:

(1) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).

(2) The difficulties or hardships are peculiar to the subject property in contrast with other properties in the zoning district.

(3) Hardship was not the result of applicant's own actions.

To prove practical difficulty for an area variance, the following criteria must be met:

(1) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.

(2) Whether the grant would do substantial injustice to applicant as well as other property owners in district or whether a lesser relaxation than that applied for would give substantial relief.

(3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

285

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 3 Union Hall Court (21228) Baltimore, Maryland

Subdivision name: Woodbridge Valley

plat book# 25, lot# 125, lot# 122, section# 3

OWNER: Carroll W. Forrest

91-168-A

91-168-A

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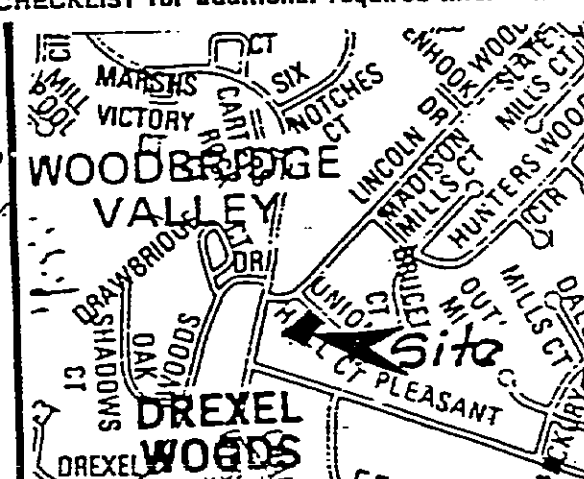
TO WHOM IT MAY CONCERN

I, Zulfiqar Ali hereby state that I have no objection for erecting a car port at 3 Union Hall Court.

Dated: 9-21-91

Zulfiqar Ali
Zulfiqar Ali

Resident,
3 Union Hall Court
Baltimore, MD 21228



LOCATION INFORMATION

Councilmanic District:

Election District: 1st

1"=200' scale map# 3.W. - 1H

Zoning: D.R. 3.5

Lot size: 3,544 sq. ft.

15,227 sq. ft.

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: NO

Zoning Office USE ONLY!

reviewed by: ITEM #:

94 91-168-A

Pet Exp 3A

September 6, 1991

TO: Whom It May Concern

Our names are Mr. and Mrs. John D. Stewart. We live at 1305 Lincoln Woods Drive, on the corner of Lincoln Woods Drive and Union Hall Court.

Our next door neighbor, Mr. Wayne Forrest, has had many exterior upgrades done to his rancher. All work, except the carport, was a replacement and correction of work that was done on the original structure by the Myerhoff Construction Company and had prematurely failed. The quality of the upgrades appears to far exceed the original work. We were so impressed with the workmanship that, when our roof needed to be replaced (the old roof failed at least 5 years and possibly 10 years before one that was properly installed would have), we had the same company that did the work for Mr. Forrest do the work for us. Needless to say, the work done on Mr. Forrest's house meets with our approval.

The improvements that Mr. Forrest had done took a lot of time and money. We believe that the value of our property has been greatly increased by the work done on Mr. Forrest's house both because the work improves the overall appearance of our property and, as a result of seeing the job that his contractor performed, we were able to identify a contractor who will be able to upgrade our property to an acceptable level.

All of the work on Mr. Forrest's home was done with the utmost of taste and style. In our opinion, the work is among the best remodeling work done in Woodbridge Valley.

If you wish further information please feel free to call us (747-6792) or to write.

Woodbridge Valley is noted for the exceedingly high standards to which the appearance of its residences are held. The work done on Mr. Forrest's house certainly meets, if not exceeds, those standards.

Yours truly,

John Stewart
John Stewart
Laura Stewart
Laura Stewart

Pet Exp 3B

August 20, 1991 P

To Whom It May Concern:

Mr. Wayne Forrest and I have been neighbors since we both moved in as original owners of our houses 18 years ago. Wayne's house is directly across Union Hall Court from my house and his property has always been well maintained. He has recently made a number of improvements to his house all of which are consistent with the architectural style of houses in this neighborhood. The color of the siding and all other changes he made blend in perfectly with nearby houses. I believe that attempts to block him from finishing or to force him to "undo" improvements already made are totally unjustified, wasteful and unnecessary. I fully support Wayne's changes and believe that his house adds to the overall value of properties nearby.

Laura Stewart
Laura Stewart
4 Union Hall Court
Baltimore, Md., 21228

Pet Exp 3C

September 1, 1991

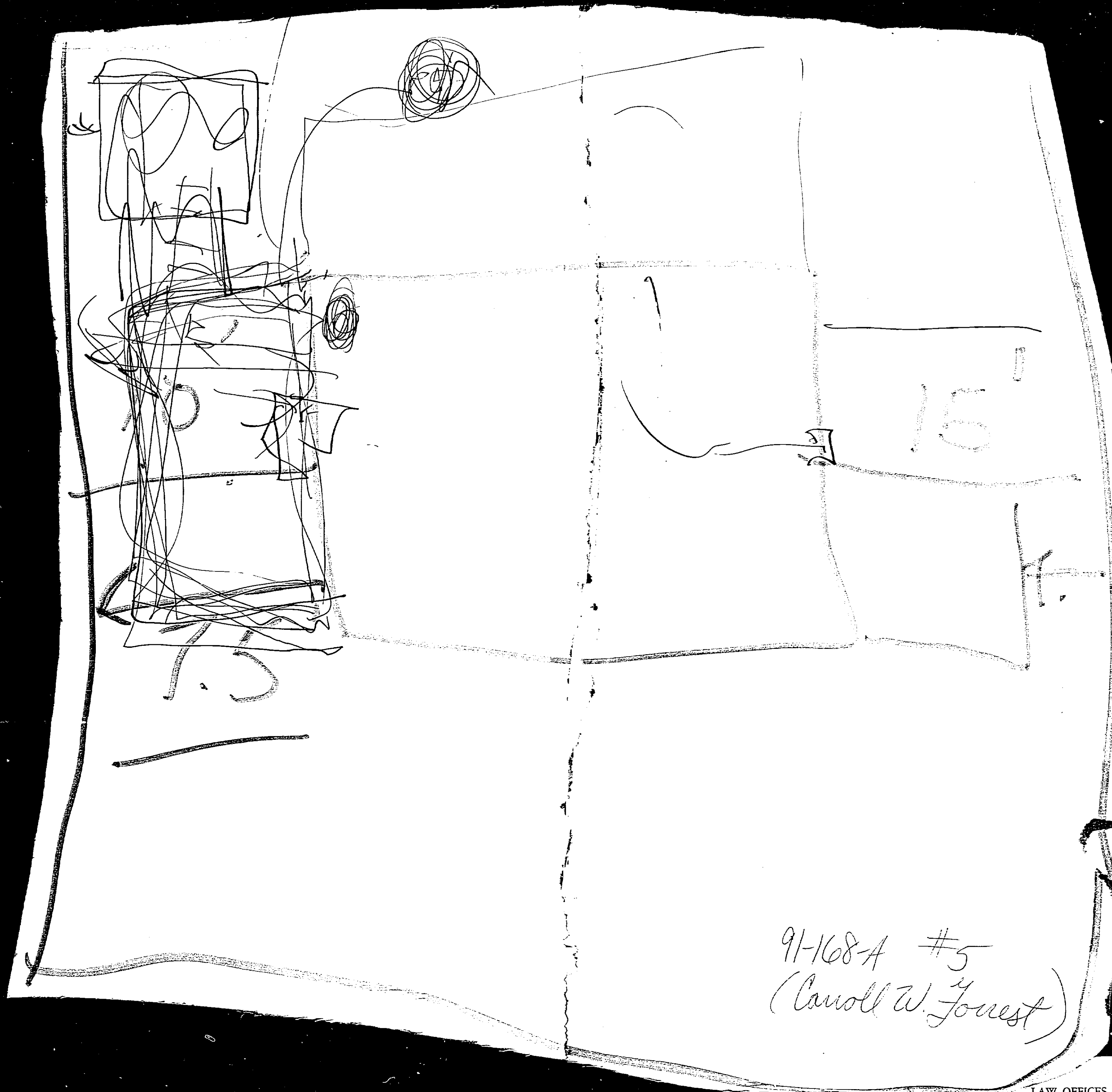
To Whom It May Concern:

A little over a year ago, my neighbor, Wayne Forrest, made improvements to his residence at 3 Union Hall Court. The changes included new siding, roofing, installation of a bay window in the front, and addition of a car port. I find the changes to the home as undoubtedly an improvement, increasing the value of the home and property. I consider this an asset to the value of my own home in increased property value of the neighborhood. I find the color selection of the siding and roofing very compatible with the other homes in the neighborhood. An I find the addition of the car port adds to the design of the architecture.

Sincerely,

Jacqueline Sheridan
Jacqueline Sheridan
8 Union Hall Court

Let. 4-1 #3D



ZONING COMMISSIONER'S POLICY MANUAL (5-11)

SECTION 301.1 OPEN PROJECTIONS - Rules are dependent upon when the subdivision occurred.

A. Subdivisions approved from 1945 to 1955, the following rules apply:

1. Uncovered porches are permitted where they would not obstruct light and ventilation;
2. Steps and unenclosed porches may extend 9 ft. beyond the front building line;
3. Covered porches, carports, etc. have to meet principal building setbacks.

B. Subdivisions approved from 1955 to 1971, the following rules apply:

When determining the required setbacks for open structures in the side yards, 25% projection into the minimum required side yard is allowed even if the proposed use is on the side with the greater setback. "Minimum" is defined to be the lesser setback requirement side and not the specific side that the projection is proposed.

C. Subdivisions approved from 1971 to present, the following rules apply:

To determine the required setback so that the 25% projection can be applied on development plans with or without envelopes as shown, the following procedures shall be followed if the dwelling is:

1. approved under the small lot table or in R.C. zone then the 25% projection will be determined from the required setbacks in the table, or the setbacks that are required in the particular rural zone (see 1802.3.C.2 Z.C.P.M., Page 18-26).

2. In Transition

- a. from subdivisions approved prior to, or using the transition area standards chart (Section 1801.2.C.4 deleted 9/25/81), the 25% projection will be determined from the required setbacks in the chart (see 1801.2.C.4, Z.C.P.M., Page 18-26).

- b. from subdivisions approved after the deletion of the transition area standards chart, the setbacks will be determined the same as in C.3 below.

3. Out of Transition

- a. for the front and rear of dwellings - first determine what the required principal building setback would be for a windowed wall at that location, then apply Section 301.1 25% projection.

- b. for the sides of dwellings, use only the windowed wall setback of 15' as the required setback if the dwelling exists at 15' or greater than 15' to the property line; then apply Section 301.1 25% projection (11.25'). If the dwelling exists closer than 15' to the property line, the 25% projection allowance will be figured on the existing setback.

Pat. 8-1 #8



LAW OFFICES
OF

ANELLO and TEMPLE

LAW BUILDING

1334 SULPHUR SPRING ROAD

P.O. BOX 18280

BALTIMORE, MARYLAND 21227

SALVATORE E. ANELLO, III

JAMES J. TEMPLE, JR.

ROBERT LIDSTON

T. AUSTIN MURPHY

DEBORAH A. KELLNER

PATRICIA A. HERRING

Legal Associates

June 26, 1990

PROTESTANT'S
EXHIBIT 1

91-168A

Mr. and Mrs. Wayne Forrest
3 Union Hall Court
Catonsville, MD 21228

RE: Violation of Covenants

Dear Mr. and Mrs. Forrest:

This office represents the Woodbridge Valley Improvement Civic Association, Inc. It has come to our attention that you are just about to complete a carport extension to your property at 3 Union Hall Court. This project was undertaken without consulting at all with the Covenants Committee of the Association. It was, therefore, never approved by that committee. It is quite evident from observation of the construction that the structure is, at least, in violation of the sideyard setback requirement under the covenants effecting your property. This requirement which appears in Section 3 of your covenants requires that the carport you constructed not be "located nearer than 10 feet to an interior lot line."

When you purchased your home, you were made fully aware that there were covenants governing the property. Those covenants specify certain restrictions on your property and the procedure for approval by the Associations Covenants Committee of any potentially violative alterations to the property. You have apparently simply chosen to ignore the covenants which restrict such constructions as you have undertaken. These covenants protect all property owners in Woodbridge Valley and are ultimately for the benefit of you and all of your neighbors.

This letter is to inform you that you must immediately bring your property in conformance with the covenants. This means that

BALTIMORE COUNTY
ZONING REGULATIONS

1963

BOOK NO. 258

This is the property of:

Name *Mr. & Mrs. Forrest*

Address _____

Phone _____

BALTIMORE COUNTY
ZONING REGULATIONS

Adapted
March 30, 1955

In accordance with Title 30, Section 532(c) of the Code of Public Local Laws of Baltimore County, (1955 Edition), with subsequent amendments through December, 1963.

First edition 1955
Second edition 1964

June 29, 1990

The Woodbridge Valley Improvement and Civic Association
P.O. Box 4197
Catonsville, MD 21228

The Forrest Family
3 Union Hall Court
Catonsville, MD 21228

Dear Fellow Residents of Woodbridge Valley,

I am the Chairman of the Zoning Committee for Woodbridge Valley. It is my responsibility to address all issues that affect our DR 3.5 Zoning.

The current on your property is outside the zoning limits for the property. As a result you will have to have a variance to zoning laws in order to receive a valid building permit. In order to achieve this, as you have been briefed, you will need to apply either as a resident/owner, or for a zoning hearing. I encourage you to apply immediately for the hearing, since in such matters we always require a public hearing. If you choose the resident/owner route it will be more awkward and most importantly, more expensive to you.

A second matter also needs attention. In accordance with our covenants, which you signed when you purchased the property, all building on your lot must be approved by the Covenants Committee. This fact is referenced on page 2 of your Zoning Hearing Checklist. Failure to do so would result in a civil court action and fine. Reference is the Covenants, paragraph 2.

Zoning laws and covenants work for our mutual protection and to ensure the continuing value of our property and quality of life. Variances to both zoning laws and covenants may be granted, but until they are you are subjecting yourself to heavy penalties with attendant legal fees from both the County and Woodbridge Valley. This letter does not imply that either the zoning nor covenant variances will or will not be granted. This letter is only to inform you of the legal requirements to apply for such variances and have them granted to avoid fines from both the County and Woodbridge Valley.

I am very sorry things have proceeded as far as they have and you are facing potential losses as a result. I second the advice of the building permit agency that you make no payments whatsoever to your contractor. He too bears a part of the responsibility since no contractor should ever begin work without a valid building permit. You may have recourse against him for expenses incurred.

Cont. Ex. # 7
91-168-A
(Carroll W. Jones)

FORREST VARIANCE
ANOTHER VARIANCE IN AREA

CASE
#80-36-A

Request

Order

Protests

Remarks

#3 Big Stone Court

Side yard setback of 3' in lieu of
the required 10' and sum of 19' in
lieu of 25'

8/24/79 granted by the Zoning Commissioner

None!

None! except that in early 80's there
was no community association appeal